

# AMSTER ROTHSTEIN & EBENSTEIN LLP

*Intellectual Property Law*

90 Park Avenue  
New York NY 10016  
Main 212 336 8000  
Fax 212 336 8001  
Web [www.arelaw.com](http://www.arelaw.com)

*Partners*

Daniel Ebenstein  
Neil M. Zipkin  
Anthony F. Lo Cicero  
Kenneth P. George  
Chester Rothstein  
Charles R. Macedo  
Douglas A. Miro  
Brian A. Comack  
Max Vern  
Holly Pekowsky  
Benjamin M. Halpern\*  
Mark Berkowitz  
Charles P. LaPolla

*Founding Partners*

Morton Amster (1927 - 2019)  
Jesse Rothstein (1934 - 2003)

*Senior Counsel*

Marion P. Metelski  
Alan D. Miller, Ph.D.  
Marc J. Jason  
Richard S. Mandaro  
Matthieu Hausig  
Brian Amos, Ph.D.

*Associates*

Benjamin Charkow  
Suzue Fujimori  
Hajime Sakai, Ph.D.  
David P. Goldberg  
Sandra A. Hudak  
Tuvia Rotberg  
Dexter Chang  
Keith J. Barkaus  
Michael R. Jones  
Christopher Lisiewski  
Albert J. Boardman

*Of Counsel*

Philip H. Gottfried

\* Not admitted in New York

March 24, 2020

Mark Berkowitz  
Direct 212 336 8063  
E-mail [mberkowitz@arelaw.com](mailto:mberkowitz@arelaw.com)

Via ECF

The Honorable Cheryl L. Pollak, U.S.M.J.  
United States District Court, E.D.N.Y.  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Energizer Brands, LLC v. My Battery Supplier, LLC*,  
Civil Action No. 1:19-cv-06486-AMD-CLP  
Parties' Proposed Discovery Plan in the Event that Discovery Is Not Stayed

Dear Judge Pollak:

We write on behalf of Plaintiff Energizer Brands, LLC (“Energizer”) and Defendant My Battery Supplier (“MBS”) in advance of the hearing on MBS’s motion to stay discovery and the initial scheduling conference to be held telephonically tomorrow, March 25 at 10:30 a.m.

Pursuant to Your Honor’s February 4, 2020 Order, the parties understand that, if no stay is granted during tomorrow’s conference, the Court will proceed with setting all deadlines for discovery. Accordingly, the parties hereby submit their proposed discovery plan pursuant to Fed. R. Civ. P. 26(f), in the event that MBS’s stay request is denied.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP

s/ Mark Berkowitz

Mark Berkowitz

cc: All Counsel of Record (via ECF)